does not warrant the introduction of testator's declarations to show revocation, although the judges expressed great regret that such evidence could not be admitted. Thus the English courts decline to hold the *Sugden* case as authority for the proposition laid down in the principal case.

WILLS—LAPSE OF LEGACY TO PAY DEBT—STATUTE OF LIMITATIONS.—Testator made a will giving a legacy of $5,000 to his niece, Mary Pierce, "the same being in consideration of her care of my invalid mother many years preceding her death, and also her care of my infant son." Mary died before the testator, and the statutes to prevent lapse of legacies did not extend to her case. Her administrator sued the executor of the will to compel payment of the legacy on the ground that it was a provision of the testator for the payment of a debt, and so did not lapse by the death of the creditor before the testator. In reversing a judgment in favor of the plaintiff, the supreme court *held* that the expression quoted was not a recital of consideration, nor acknowledgment of a legal liability, but was a recital of the motive for the gift; and if a legal liability did in fact exist, the recital was not a sufficient acknowledgment to avoid the bar of the statute of limitations. *McNeal* v. *Pierce* (1905), — Ohio —, 75 N. E. Rep. 938.

A similar decision on similar facts will be found in *Sutro's Estate* (1903), 139 Cal. 87, 72 Pac. 827. It would seem clear that directions to the executor to pay certain debts are not affected by the death of the creditors before the testator. *Ward* v. *Bush* (1900), 59 N. J. Eq. 144, 45 Atl. 534; *Williamson* v. *Naylor*, 2 Younge & Coll., 208; *Turner* v. *Martin*, 7 De G. M. & G. 429. Somewhat similar declarations to those in the principal case above were held not to be sufficient proof of the existence of the debt, nor to prevent the bar of the statute, in *Duncan* v. *Inhabitants* (1887), 43 N. J. Eq. 143, 10 Atl. 546. MECHEM'S CASES ON SUCCESSION 96, ABBOTT'S CAS. ON SUC. 619.

WILLS—PERSONAL PROPERTY—RULE IN SHELLEY'S CASE.—Testator bequeathed $3,000 in trust for his son until the latter should reach the age of forty years. In case of his death before that time it was to be paid to his heirs. The son claimed to take the property absolutely under the Rule in Shelley's Case. *Held*, that the rule would not be applied to defeat the testator's evident intention. *Bennett* v. *Bennett et al.* (1905), — Ill. —, 75 N. E. Rep. 339.

In those states where the Rule in Shelley's Case prevails, it is quite uniformly held that it applies by analogy to bequests of personal property. 25 AM. & ENG. ENCYC. OF LAW (2 ed.) 649; *Mason* v. *Pate's Exr.* (1859), 34 Ala., 379; *Smith's Ex'r* v. *McCormick* (1874), 46 Ind. 135; *Hughes* v. *Nicklas* (1889), 70 Md. 484; *Pressgrove* v. *Comfort* (1881), 58 Miss., 644; *Polk* v. *Faris* (1836), 9 Yerg. (17 Tenn.) 209. *Cockin's Appeal* (1886), 111 Pa. St., 26. But such application will not operate to defeat the express intent of the testator as gathered from the rest of the will. *Taylor* v. *Lindsay* (1884), 14 R. I., 518; *Horne* v. *Lyeth* (1818), 4 Har. & J., 431; *Glover* v. *Condell* (1896), 163 Ill., 566; 45 N .E. Rep., 173; 35 L. R. A., 360; *Evans* v. *Weatherhead* (1902), 24 R. I., 502, 53 Atl., 866. In the principal case, the